

May 8, 2012

The monthly meeting was held at 7PM at the Town Hall

Present were:	Supervisor:	Steve Breneman
	Councilmen:	Sharon Eltz
		Jeff Smith
		Riley Closson
		Nancy Elwood
	Town Clerk:	April Law
	Planning Board Chair:	Kathryn Elwood
	Code Officer:	Michael Andersen

Absent : Highway Superintendent: Jim Smith

Also present: Justice Rollan Elwood, Town Historian Beth Hummel, Accountant Debbie Fisher, Carol & John Walsh and Nancy & Ronald Bauer.

PUBLIC COMMENT:

Nancy Bauer brought up an issue with a large pothole on Potter Hill just before the seasonal sign that has almost resulted in a crash and she has requested it be filled. Jeff Smith agreed that it is bad and should be fixed. Nancy then asked what the board had discussed the noise ordinance. Steve answered that they had discussed it and had tabled it for now. The board has talked with other towns and Law enforcement agencies and has decided that it is unenforceable. She had not heard anything since the September meeting, she has not been back down, and stated that Saturday was awful due to Bryce running his bulldozer for 10 hours. Steve told her that Sharon had an extensive report regarding this issue from other towns and it is just a real difficult issue. Steve told her that he would pass the information along to Jim about the pothole tomorrow. Beth Hummel then asked the question "What does unenforceable mean?" She stated that if we had the law on record that it would be able to be enforced. Beth pointed out that the board did not have to enforce this and it could be done. Jeff added that it was just one more rule to live by when we have rules that people don't want to live by. Beth stated that the board is allowing this to happen to them and ruining their beautiful surroundings. Nancy added that the noise ordinance is enforceable depending on how the Town writes the Law. She added that with restrictions such as time and limit of noise it could be done. Jeff pointed out that her family member use to ride up and down the road on a four wheeler all the time and they had to listen to it. Nancy replied she understood this, but again stated that if someone wanted to enforce it could be done. Sharon asked if her main complaint was the bulldozer running. Jeff told Nancy that when the original complaint was brought to us he was checked and his machine was equipped with a muffler. Then zoning issues came up and Jeff stated we don't want to go there. Nancy Elwood asked what is he doing running a bulldozer for 10 hours if he isn't supposed to be doing anything. Nancy Bauer stated that he has leveled 15 acres of ground including trees because he was acquired his permit. Beth said the bulldozer is the least of her problems. She doesn't want to hear the whining of the bikes for hours on end in her backyard. Nancy Elwood agreed saying it is more like a roaring than a whining. Jeff and Riley told Beth that it wouldn't be a constant noise. Jeff again stated that if we do this it would be aimed at one person to which Nancy Bauer disagreed. Jeff used an example as to someone that is against the race track and has appeared with Beth and Nancy, in town running their tractor all day with no muffler. He added that he was sure that wouldn't make her very happy. Nancy said that that was different because it is not excessive and all weekend long. She then asked Jeff how he would like it if she sat out front of his house

and blasted her car radio for 10 hours. Jeff responded he wouldn't advise it and that was different. Steve stepped in and said that when the lawyer was here that he even backed up the Board as to how hard this would be to enforce. The lawyer said it was about one of the toughest situations to deal with. Nancy again said this is going to go from the bulldozer noise to the four wheeler noise in a residential area and it is not fair to the residents. She stated that Bryce was making it a commercial track to which Steve chuckled and said it will never be a commercial track. Beth then asked Steve how he could say that when Bryce told her himself that it would be and Steve said it is not a sanctioned track. Jeff then briefly spoke about that the track is mainly for local kids. Riley then brought up a track that was on Dutch Hill that only lasted a couple of years due to Bankruptcy to which Beth replied "that's business". Nancy then asked the Board if it was classified as a commercial business and the Board replied they did not know, but he can do whatever he wants. John Walsh asked about the rules at the track on Dutch Hill. Riley said that a waiver was to be signed by each person entering the track and he was still sued and lost everything. Nancy reported that on February 8, 2011 Bryce reported that he would be opening the race track to the public and charging admission and would have Insurance through the AMA. Jeff replied that it wouldn't happen and was questioned by Carol Walsh as to how he knew it wouldn't. Jeff answered that either way he can do what he wants unless we put a noise ordinance in effect and that still won't stop him. There was some question as to Bryce's tax rate on this property and Sharon said she would look into it. Beth Hummel added that she should not have to pay so much in Taxes if she has to listen to that next door to her residence. Beth wanted Sharon to check on her tax rate as well and Sharon told her she could pretty much guarantee that her taxes would not go down. Beth said she would file a grievance feeling that her property value will go down with the race track next door. Sharon used the example of someone selling their house to a Doctor and the property next door being littered with garbage and falling down buildings, there is no difference. She has never known the Grievance Board to drop someone's tax due to this, but told Beth she was more than welcome to submit an application. Nancy Bauer then asked the Board if they had received a copy of his Letter of Intent or DEC Report to which they replied no. She inquired as to why the Board did not pursue this, but had copies she handed to Steve. Steve told her that the Lawyer was supposed to go and pursue this matter. Beth added that she was under the impression that we were going to take care of this as per the September meeting. Steve told her he would contact the lawyer tomorrow and get this settled. Beth then asked if we had a copy of the State Plan (holds water retaining spots), Storm Water Runoff Plan or Schedule of Inspections, to which the Board replied no. She has concerns that he is not being inspected regularly and to who would do these. Steve told her that since it was DEC that issued the Permit it would be their responsibility. Beth is concerned his not being watched properly and is allowed to do as he pleases and requests the Board get this inspection schedule as well. Carol Walsh brought up that Bryce wrote a letter to his attorney stating it was a not a commercial business but a family one. He is advertising it as a commercial business and she is concerned about his integrity. Steve told them again that this was a DEC matter and that the only time the Town can get involved is if he starts putting buildings up. The Board was asked if they could tell the DEC to get up here and deal with this to which Steve replied he has talked to DEC about this matter and they don't want to talk about it. This is a small matter in their eyes and have bigger issues to deal with, but said he would contact the lawyer tomorrow. Beth told Steve he would have to request each report individually and feels everyone is watching her and no one is watching Bryce, to which Jeff asked Beth to "not go there" and she replied "I'm already there". Jeff started by saying that people don't want to live by the rules we have now, why should we put in new ones, Beth asked Jeff to explain. Jeff then said Beth turned a chicken coop into a home for them with no permission until it was done to which she replied she had no idea she needed one. Jeff then added that she moved in her son and daughter in law and added on without a permit. Beth answered they only put up a wall where there porch was. Jeff then said she did not have a permit. Nancy Bauer added that this was all in the past and Jeff said his point is we all have to live by the rules we set. Beth wanted to know

how all this was found out, she does not drive around and look to see what people are doing. Steve interrupted and changed the course of the meeting, saying we were going down the wrong road. Nancy Bauer then brought a couple signs she would like placed, one being a STOP sign where Brooks and Potter Hill meet. She states that people don't stop and she was almost forced into the woods the other day, the other being a NO PARKING sign on the peak of Potter Hill Road. When vehicles or equipment, park on the side of the road you can't see around them and this could be dangerous to people unfamiliar with the area. Steve said he knows Jim has been working on signs and would discuss it with him tomorrow. Beth then asked if she could get speed limit signs on her road. Steve assured everyone he would take it up with Jim. Beth and Nancy ended by saying they feel we need these rules in place to ensure peaceful living and are scared by what could happen if we don't put these rules in effect. Then a small discussion began concerning zoning laws to which Jeff told them we don't want to get that started. Cincinnati went through that and you have to have all zones including Adult Entertainment, which is located down by McFarland Road. Beth disagreed saying we should look into it to see if there is a way to regulate zoning, Steve moved on.

Prior to the meeting the Board members read copies of the minutes

MOTION: "Accept minutes of meeting as written"

Made by Sharon Eltz, 2nd by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	carried

MOTION: "Accept Accountant's Report as written"

Made by Sharon Eltz, 2nd by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	carried

Prior to the meeting the Board reviewed, discussed and signed vouchers

MOTION: Pay Highway vouchers for a total of: \$14,190.47

Made by Sharon Eltz, 2nd by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	carried

MOTION: Pay General Fund vouchers for a total of: \$4,070.37

Made by Sharon Eltz, 2nd by Riley Closson

Votes Cast:	Sharon Eltz	Aye	
	Jeff Smith	Aye	
	Riley Closson	Aye	
	Nancy Elwood	Aye	carried

Total Funds disbursed was: \$18,260.84

INFORMATIONAL CORRESPONDENCE:

Ken Diaz presented a Supplemental Draft to the Board that he would like them to look over and sign. This Resolution allows the State to collect information regarding which towns are for and against Gas Drilling. The Board seemed in agreement that the Town is PRO drilling and could help out some families in this area. Ken was asked who originated this agreement and he responded that Sandy Doty had drawn this up with a Lawyer from the Landowner's Association. This agreement is an exact copy of the one that Willett has signed and returned. Ken was under the assumption that David Fuller presented this, but the Board had not seen it before. The Board told him they will ask local residents and look it over for the next meeting in June. Beth asked if this was something that the public should be involved in and Jeff answered saying it was a Board decision and not necessary to have a public hearing. Ken backed Jeff up by stating that's what all of the Towns' are doing. Steve agreed that their needs to be some discussion and they will vote on it at the next meeting.

Mike Andersen reported that he had heard back from Mr. Wilkin's regarding the property at the STOP sign. He is aware of the issues and has requested Mike put together a list of 3 Contractor's that includes the price to clean up the front of the house. Mike is working on this and will get the information together to send to him. He also brought one of the signs as a sample to show the Board and Residents what they look like. He quickly explained again they are necessary to notify Firefighters not to enter the building. These will be placed on all OPEN windows or doors on the ground floor and billed to the Land owner. Mike also presented pictures of a dump site located on Hubbard Hill Road. Mike did call DEC about this and they stated that you cannot dump household garbage. He has reviewed a Covenant pertaining to this land and it strictly states "NO DUMPING". The Board and residents reviewed the pictures and are almost positive it is a contractor dumping things there. He will be putting a letter together to ask them to clean it up and hope the matter is resolved quickly. He then touched on the earlier topic regarding property values. Dumps like this affect the properties around it by lowering their value. He wrapped up by saying the Kotowicz trailer, Cheningo Solon Pond Road, issue is still not settled and they have done nothing to fix the remaining code violations. He will be sending them a 2nd letter stating they have 30 days to resolve all code issues or the Town will institute a \$100.00 a day fine.

PLANNING REPORT:

Kathryn started by handing out her quarterly report and apologizing that it was late. She reported there was no meeting last month due to no new business. She was going to attend a meeting at the County Office Building but it got cancelled without notice. Sharon apologized because David had given her something, but she thought it was a copy of what Kathryn had already given her so she disregarded it. Now we know it was a letter stating the meeting was postponed until next week. Kathryn is not sure if they will go next week or not. In closing Kathryn requested that the Board change the lock on the Clerk's door due to it being very hard to operate. Steve and Sharon said they were aware of it and was going to take care of the problem.

HIGHWAY REPORT:

Steve gave Jim's report due to his absence. They have removed all the insulation from the ceiling and will now start looking for 3 quotes to present to the Board to begin spraying next month.

CLERK'S REPORT:

April reported that we had sold a few fishing/hunting licenses this month. The DEC will automatically deduct \$376.32 on or about May 14, 2012 leaving \$15.68 in Commission for the Town. I licensed 2 Neutered dogs with \$2.00 being sent to the State and \$12.00 revenue for the Town. These 2 totals of \$27.68, was given to Steve in form of a check. We issued no new building permits this month. In

collection of Taxes April took in \$29,670.03 of that \$864.18 was Interest which was also given to Steve in form of a check. I issued a check to Cortland County Treasurer's Office for \$20,000.00. Total amount being disbursed was \$20,864.18. I have included copies of all checks on the back of my report.

Jeff ended by complementing April on the job she is doing to which she replied, Thank you. Jeff said April is doing a good job and the minutes are very nice. April turned five shades of red, giggled and again Thanked Jeff for the Acknowledgement. Steve pointed out April's pink face we all laughed and moved on.

MOTION:To adjourn meeting was made by Sharon Eltz, 2nd by Riley Closson....carried

Respectfully Submitted,

April Law
Town Clerk